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UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

Plaintiff

Case No. 2:23-cv-01390-ART-MDC

ORDER

Defendant

I. DISCUSSION

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C.O.,

JOVANNY ACUNA-MARTINEZ,

On June 18, 2024, the Court issued a screening order and granted Plaintiff 60 days from the date of the order to file an amended complaint that cured the deficiencies of his complaint and identified Doe C/O by name. (ECF No. 12 at 9-10). On August 15, 2024, Plaintiff submitted a motion for an extension of time to file an amended complaint because he had to subpoen the Nevada Department of Corrections to obtain information. (ECF No. 16).

The Court grants the motion for an extension of time. Plaintiff will file the amended complaint on or before October 25, 2024. If Plaintiff chooses not to file an amended complaint, the Court will dismiss this action without prejudice for Plaintiff to initiate a new action when he learns the identity of Doe C/O. (ECF No. 12 at 10).

Additionally, to the extent that the document Plaintiff submitted at ECF No. 14 is supposed to be a subpoena duces tecum under Federal Rule of Civil Procedure 45, it is not properly formatted. (ECF No. 14). Plaintiff references state statutes in his document. (See id.) If Plaintiff wants to file a properly formatted subpoena duces tecum in this Court, he should follow the procedures outlined in Federal Rule of Civil Procedure 45. Plaintiff should be able to obtain a copy of the Federal Rules of Civil Procedure from the prison law library.

II. CONCLUSION

For the foregoing reasons, it is ordered that the motion for extension of time (ECF No. 16) is granted. Plaintiff will file his amended complaint on or before October 25, 2024.

It is further ordered that, if Plaintiff fails to timely file his amended complaint, the Court will dismiss this action without prejudice for Plaintiff to initiate a new action when he learns the identity of Doe C/O.

DATED THIS 22nd day of August 2024.

Hon. Maximiliano D. Covvillier III
UNITED STATES MAGISTRATE JUDGE

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